

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

-----x		Chapter 11
In re:	:	
	:	Case No. 1:18-bk-14408
FLIPDADDY’S, LLC,	:	
	:	Chief Judge Jeffery P. Hopkins
Debtor.	:	
-----x		

**DECLARATION REGARDING SOLICITATION OF VOTES AND
TABULATION OF BALLOTS CAST ON THE CHAPTER 11 PLAN
OF REORGANIZATION OF FLIPDADDY’S, LLC**

Now comes, Steven L. Diller, Counsel for the Debtor herein and would submit this declaration and certification concerning the solicitation of votes and the tabulation of ballots cast on the *Chapter 11 Plan of Reorganization of Flipdaddy’s, LLC. (Doc. No. 110)* Except as otherwise noted, all facts set forth in this declaration are based on my personal knowledge, knowledge that I acquired from individuals under my supervision, and my review of relevant documents.

1. In accordance with Local Bankruptcy Rule 3018-2(B), I, as Counsel for the Debtor would certify that I have tabulated the ballots cast by creditors and interest holders in compliance with the order entered by the Court on June 26, 2019. (“Order”) (Doc. No. 130).

2. Pursuant to the Order, I caused the Order and appropriate ballots to be served on all creditors and parties in interests.

3. Pursuant to the Order July 19, 2019 was fixed as the last day for filing written acceptances or rejections to the Plan.

4. Attached hereto as Exhibit A is a summary and tabulation of all timely and properly completed ballots setting forth the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan and to permit the Court pursuant to Local Rule 3018-2(B) to find the plan has been accepted or rejected on the basis of this certification.

5. A report of all ballots excluded from the final tabulation and the reasons for exclusion of such ballots, is attached hereto as Exhibit B.

6. Pursuant to Article III of the Plan and 11 USC §1122(c), the following classes were entitled to vote on the Plan. The s and the results of such voting are as follows:

Class	Claim or Interest	Result
1	Secured Claims of Park National Bank	Accepted
3	Claims of Gordon Food Service	Accepted
4	Backstop Acquired Claims of KTM, II	No Votes
7	Unsecured Claims and Rejected Executory Contracts	Accepted
8	Indemnification Claims of R. Dames	No Votes
9	Equity Interests	Accepted

Respectfully submitted

/s/Steven L. Diller

Steven L. Diller (0023320)

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CERTIFICATE OF SERVICE

I, Steven L. Diller, do hereby certify that a copy of the Declaration of Solicitation of Votes and Tabulation of Ballots was served this 26th day of July 2019 via the Court's ECF system to the Office of US Trustee and other parties in interest who have entered an appearance and via ordinary mail to all creditors and parties in interest per the following service list.

/s/Steven L. Diller
Steven L. Diller

Notice was electronically served on the date of entry on the following recipients:

Asst US Trustee (Cin)
ustpregion09.ci.ecf@usdoj.gov

John C Cannizzaro on behalf of Creditor Gordon Food Service, Inc
John.Cannizzaro@icemiller.com, Thyrsa.Skofield@icemiller.com

Casey M Cantrell Swartz on behalf of Interested Party Myers Y Cooper Company
cswartz@taftlaw.com, docket@taftlaw.com;lsutton@taftlaw.com

Rocco I Debitetto on behalf of Creditor IRC Newport Pavilion, LLC
ridebitetto@hahnlaw.com, hlpcr@hahnlaw.com;cmbeitel@hahnlaw.com

Rocco I Debitetto on behalf of Creditor IRC Retail Centers LLC
ridebitetto@hahnlaw.com, hlpcr@hahnlaw.com;cmbeitel@hahnlaw.com

Gregory D Delev on behalf of Creditor Ohio Department of Taxation
bankruptcy@delevlaw.com

Steven L Diller on behalf of Debtor In Possession Flipdaddy's, LLC
steven@drlawllc.com, kim@drlawllc.com;eric@drlawllc.com

Barry F Fagel on behalf of Creditor Bryant Hartke Construction
bfagel@lindhorstlaw.com

Brian T Giles on behalf of Creditor Creation Gardens, Inc.
Brian@gilesfirm.com, bgiles3434@gmail.com

Douglas N Hawkins on behalf of U.S. Trustee Asst US Trustee (Cin)
doug.hawkins@usdoj.gov, cathy.cooper@usdoj.gov

Benjamin M Rodriguez on behalf of Creditor The Park National Bank
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John A Schuh on behalf of Creditor Ford Motor Credit Company, LLC
jaschuhohedf@swohio.twcbc.com

Jason M Torf on behalf of Creditor Gordon Food Service, Inc
jason.torf@icemiller.com

American Express National Bank
c/o Becket and Lee LLP
PO Box 3001
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BDO USA, LLP
Laurence W Goldberg, Dir, Receivables Mg
4135 Mendenhall Oaks Parkway
Suite 140
High Point, NC 27265

Tabulation of Ballots

Class	Class Description	Number Cast	Percentage of Number Accepting	Amount Accepting	Percentage of Amount Accepting	Number Rejecting	Percentage of Number Rejecting	Amount Rejecting	Percentage of Amount Rejecting	Class Voting Result
1	Secured Claims of Park National Bank	1	100%	1,147,437.01	100%	0	0%	\$0.00	0%	ACCEPTS
2	Secured Claim of Ford Motor Credit Co	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	DEEMED TO ACCEPT
3	Claims of Gordon Food Service	1	100%	176,884.92	100%	0	0%	\$0.00	0%	ACCEPTS
4	Backstop Acquired Claims of KTM, II	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	DEEMED TO ACCEPT
5	Secured Claims of M-2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	DEEMED TO ACCEPT
6	Assumed Executory Contracts	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	DEEMED TO ACCEPT
7	Unsecured Claims	7	100%	1,760,773.90	100%	0	0	\$0.00	0%	ACCEPTS
8	Claims of Robert Dames	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	DEEMED TO ACCEPT
9	Equity Claims	6	100%	1,286,647.20	100%	0	0	\$0.00	0%	ACCEPTS

EXHIBIT B

Two ballots were cast without inclusion of amount. Both ballots were cast by Peter Andruszkiewicz in both Class 7 and Class 9. Both ballots were in acceptance of the Plan. Because of lack of inclusion of amount they were not included in Exhibit A.